

**UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF WISCONSIN**

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**NORTH CENTRAL STATES REGIONAL  
COUNCIL OF CARPENTERS' PENSION FUND  
et al.,**

**Plaintiffs,**

**vs.**

**Case No. 10CV263**

**JOKIPII DEMOLITION, LLC,  
And LJ EXCAVATION, LLC,**

**Defendants.**

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**ORDER AND ENTRY OF JUDGMENT**

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Request and application for default judgment brought by the Plaintiffs in the above-captioned action were submitted to the Court filed with the clerk. This action having come on hearing before the Court, the issues having been duly heard, and a decision having been duly rendered, the court orders as follows:

1. Defendants Jokipii Demolition and LJ Excavation have failed to comply with their obligation to respond to the plaintiffs' discovery requests, as imposed by Rules 33 and 34 of the Federal Rules of Civil Procedure, so that default judgment is an appropriate sanction in favor of the plaintiffs and against Defendant Jokipii Demolition and LJ Excavation, as provided by Rule 37, Fed. R. Civ. P.

2. Defendant Jokipii Demolition violated the Labor-Management Realties Act of 1947, as amended, as well as the Employee Retirement Income Security Act of 1974, as amended, and the effective collective bargaining agreements by failing to pay a total of \$46,820.46 to the plaintiff funds.

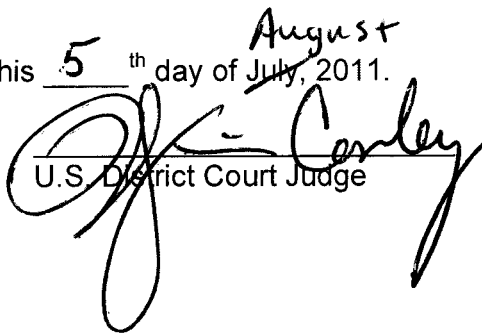
3. Defendant Jokipii Demolition continues to owe the amount of \$89,126.90 from a judgment entered by the Eastern District of Wisconsin in the plaintiffs' favor on July 28, 2006.

4. Defendant LJ Excavation, as the successor and mere continuation of Defendant Jokipii Demolition, is jointly and severally liable for all amounts that Jokipii Demolition owes to the plaintiffs.

5. The total amount of damages owed to the plaintiffs is \$139,243.36, including attorneys fees.

IT IS HEREBY ORDERED AND ADJUDGED, and the clerk of Court is directed to enter judgment finding that defendants Jokipii Demolition and LJ Excavation shall be jointly and severally liable to the plaintiffs in the amount of \$139,243.36, plus interest thereon at the rate prescribed by law.

Dated at Madison, Wisconsin, this 5<sup>th</sup> day of <sup>August</sup> July, 2011.

  
U.S. District Court Judge